

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIE EARL TATE

PLAINTIFF

V.

NO. 4:07CV162-M-D

D.C.F. FACILITY, ET AL.

DEFENDANTS

JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated January 23, 2009, and the February 6, 2009, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED:**

1. That the Report and Recommendation of the United States Magistrate Judge dated January 23, 2009, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the motion by the defendants for summary judgment is hereby **DENIED**.

THIS, the 25th day of February, 2009.

/s/ MICHAEL P. MILLS

CHIEF JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF MISSISSIPPI